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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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CHIN, PAUL T

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/031,105	<b>Applicant(s)</b> JUSSILA ET AL.	
	<b>Examiner</b> PAUL T. CHIN	<b>Art Unit</b> 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2004.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2-11 is/are pending in the application.
- 4a) Of the above claim(s) 8-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-7 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. Applicant's arguments filed September 17, 2004, have been fully considered. Regarding Hatley (4,688,839), they are persuasive and the claim rejections have been withdrawn. However, regarding Bjurling (4,630,855), the arguments are not persuasive. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL.

***Election/Restrictions***

2. Applicant's election without traverse of Group I, readable on claims 1-7 (now claims 2-7 and 11), in Paper No. 8, is acknowledged. Note that applicant cancels claim 1 and add new claim 11.
3. This application contains claims 8-10 are drawn to an invention nonelected without traverse in Paper No. 8. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

***Specification***

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

**The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.**

5. The disclosure is objected to because of the following informalities:

On page 1, line 1, and page 3, line 5, the phrases "according to the introduction of claim 1" should be replaced with the claimed text in order to clearly point out the subject matter,

on page 1, line 6, and page 3, line 8, the phrases "according to the introduction of claim 8" should be replaced with the claimed text in order to clearly point out the subject matter,

on page 2, line 25, the word "minimise" should be changed to -- minimize --,

on page 7, line 23, the word "realise" should be changed to -- realize --, and

all the related subtitles should be inserted at the appropriate paragraphs.

Appropriate correction is required.

### ***Drawings***

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "a first rope" "a second rope" "a third rope" (Claim 3). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

7. The drawings are objected to because it appears on figures 1B and 1C that "2:21b" should be changed to -- 21;21b --, and figure 5 should show the reference number "9" (control system) as described on page 8, line 23. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or

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figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 2-7 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no antecedent basis for "the different locking movements" (claim 2, line 4), "the external force" (claim, 6, line 2) or "the support rollers" (claim 7, line 3). Moreover, the exact meaning of the claimed phrase "at least one locking member positioned between the spreader frame and the at least one telescoping beam ..... for stopping ..... at a desired place in relation to the frame" (Claim 11) is not clearly understood. Figure 4c shows a driving ramp 812 having a groove (811) wherein the roller (822) is locked wherein the driving ramp (812) is (predeterminately) attached to the telescoping beam (3), not a desired place. Further, the phrase "a plurality of rope forces of different sizes" is vague and indefinite. Applicant argues that "*claim 2 means that the ropes of the joint*

*multi-rope lever system can be tighten to 10 kilo-Newton to actuate the locking rollers 822*" (page 7). The argument is not persuasive because the "force does not have a size" and the claimed language is misleading. The claimed language "the first telescoping beam is at a different height from the second telescoping beam" (Claim 7) is not clearly understood. Figure 1 shows a first telescoping beam which is the same height as the second telescoping beam"

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 2,3,5-7, and 11, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Bjurling (4,630,855).

Bjurling (4,630,855) discloses a spreader system comprising a spreader frame (1), at least one telescoping beams (2,3,14,15) telescopically movable in the spreader frame (1) (Figs. 1 and 2), a guide roller (18), which can be considered as at least one locking means positioned between the spreader frame (1) and at least one telescoping beam (2,3,14,15) (see Fig. 2), at least one twist lock (8) having a locked and unlocked positions, a joint multi-rope lever system (pulleys 11,12, cable 13), at least one actuator (9), a hydraulic cylinder actuator, and driving wheels (10,10), guide tube (4), and a control guide (16), which can be considered as a control system, for controlling the operations of the actuator and the lever system.

Re claims 2 and 5, as best understood, the different rope or cable forces have to be generated by one hydraulic actuator (9) to the lever system for moving the telescoping beams and the twist locks together.

Re claim 6, the external force applied to the at least one telescoping beam (14 or 15) is partly neutralized (see Figs. 1 and 2).

Re claim 7, the telescoping beams (2,3,14,15) operate as counterweights (see Figs. 1 and 2).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 4, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Bjurling (4,630,855) in view of Strand (3,712,661).

Bjurling's system (4,630,855), as presented in section 11 above, shows a first rope or cable force generated to the lever system, a second rope force generated to locate the locking point (see Fig. 1) of the locking unit at a guide roller (18), but does not show a third rope force to actuate the twist locks of the telescoping beams. Holmes (4,215,892). However, Strand (3,712,661) shows a rope system to actuate the twist locks (4,4). Accordingly, it would have been obvious to provide a rope system on the Bjurling's system (4,630,855) as taught by Strand (3,712,661) in order to actuate the twist locks to grip a container.

14. Claim 2,3,5-7, and 11, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over the Great Britain Patent (GB 2,031,841) in view of the Soviet Union Patent (SU 001730000).

The Great Britain Patent (GB 2,031,841) discloses a spreader system comprising a spreader frame (2), at least one telescoping beams (3 or 4) (Fig. 2) telescopically movable in the spreader frame (2), rollers (19) and a stopping means (see Page 2, lines 51-54), which can be considered as locking members (Page 1, lines 56-69), positioned between the spreader frame (2) and at least one telescoping beam (3,4) (see Fig. 2) to stop the movements of the telescoping beams at a substantially desired place (see abstract), at least one twist lock (9) having a locked and unlocked positions, a controller for at least one cylinder actuator (13), and a cable drive system (Page 2, lines 10-17) as an alternative powered control drive. The Great Britain Patent (GB 2,031,841) does not clearly show a multi-rope lever system for performing the telescoping movement and the twist locks. However, the Soviet Union Patent (SU 001730000) discloses a joint multi-rope lever system (see figure) having an at least one actuator (9) for performing the telescoping movement and the twist locks. Accordingly, it would have been obvious to provide a joint multi-rope system (instead of linear movement) on the Great Britain Patent (GB 2,031,841) as taught by the Soviet Union Patent (SU 001730000) for performing the telescoping movement and the twist locks.

Re claims 2,3, and 5, as best understood, the different rope or cable forces have to be generated by one hydraulic actuator (8) to the lever system for moving the telescoping beams and the twist locks together.



Re claim 6, the modified Great Britain Patent (GB 2,031,841) substantially shows that the external force applied to the at least one telescoping beam (3) (see Fig. 2) is partly neutralized.

Re claim 7, the telescoping beams (3,4) operate as counterweights (see Figs. 1 and 2) and shows support rollers (19,19) (see Fig. 2).

***Allowable Subject Matter***

15. Claim 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

16. Applicant's arguments filed September 17, 2004, have been fully considered. Regarding Hatley (4,688,839), they are persuasive and the claim rejections have been withdrawn. However, regarding Bjurling (4,630,855), the arguments are not persuasive.

Applicant argues that "Bjurling does not have at least one locking member for stopping the movement of the telescoping beams at a desired place" (page 8) is not persuasive. The prior art discloses a hydraulic cylinder (9) being designed to extend the telescoping beams at a desired place by extending or being designed to extract the telescoping beams extracting by extracting position. Moreover, the reference shows a roller guider (18) positioned between the spreader frame (1) and at least one telescoping beam (14,15) wherein the roller having a groove to guide the beam (14,15) as shown in figure 2. Therefore, the combination of the actuator (9) and the rollers (18,18) is capable of performing to stop the movement of the telescoping beam at a desired place in relation to the frame.

***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18. Applicant's amendment (the addition of new limitations on (new) claim 11 in combination with other limitations) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **PAUL T. CHIN** whose telephone number is (703) 305-1524. The examiner can normally be reached on **MON-THURS (7:30 -6:00 PM)**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **EILEEN LILLIS** can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*ptc*

PTC  
December 20, 2004

*Kathy Matecki*

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